

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICHAEL JOHNSON AND
PATRICIA NYE,

Plaintiffs,

VS.

HOME DEPOT U.S.A., INC.,

Defendant.

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CIVIL ACTION NO. 4:05-CV-415

AGREED MOTION TO DISMISS

Plaintiffs Michael Johnson and Patricia Nye and Defendant Home Depot U.S.A., Inc. (collectively, the "Parties") file this Agreed Motion to Dismiss and state:

The Parties respectfully request that the Court enter an order providing that: (a) all claims in this case are dismissed with prejudice to the refiling of same in any form; and (b) all taxable costs are to be paid by the party incurring same, as provided in the accompanying Agreed Order of Dismissal. The Parties' agreement to this request is reflected by the signatures of their counsel set forth below.

Respectfully submitted,

SHEILS WINNUBST
SANFORD & BETHUNE

OGLETREE, DEAKINS, NASH,
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